

WASHINGTON STATE TORT CLAIM FORM
General Liability Claim Form #SF 210

Pursuant to Chapter 4.92 RCW, this form is for filing a tort claim against the state of Washington. Some of the information requested on this form is required by RCW 4.92.100 and is subject to public disclosure pursuant to RCW 42.56.

For Official Use Only

RECEIVED

SEP 19 2018

Dept. of Enterprise Services
Office of Risk Management

PLEASE TYPE OR PRINT CLEARLY IN INK

Mail or deliver original claim to Department of Enterprise Services
Office of Risk Management
1500 Jefferson Street SE, MS 41466
Olympia, Washington 98504-1466
Phone: (360) 407-9199
Fax: (360) 407-8022
Email: Claims@des.wa.gov

HAND DELIVERED
-RMD

Business Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.
Closed on weekends and official state holidays.

1. Claimant's name: Ralph Kara >withheld by agreement<
Last name First Middle Date of birth (mm/dd/yyyy)
2. Inmate DOC number (if applicable): >withheld by agreement<
3. Current residential address >withheld by agreement<
4. Mailing address (if different): _____
5. Residential address at the time of the incident: _____
(if different from current address)
6. Claimant's daytime telephone number: (206) 482-3637
Home Business or Cell
7. Claimant's e-mail address: ralphkn24@gmail.com
8. Date of the incident: _____ Time: _____ ☐ a.m. ☐ p.m. (check one)
(mm/dd/yyyy)
9. If the incident occurred over a period of time, date of first and last occurrences: See attached statement.
from _____ Time: _____ ☐ a.m. ☐ p.m.
(mm/dd/yyyy) (mm/dd/yyyy)
to _____ Time: _____ ☐ a.m. ☐ p.m.
(mm/dd/yyyy) (mm/dd/yyyy)
10. Location of incident: See attached statement.
State and county City, if applicable Place where occurred

11. If the incident occurred on a street or highway:

Name of street or highway	Milepost number	At the intersection with or nearest intersecting street
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12. State agency or department you believe is responsible for damage/injury:

Washington State Bar Association

13. Names and telephone numbers of all persons involved in or witness to this incident:

See the attached Statement. Persons involved are associated with the WSBA.

Upon information and belief, all can be reached through the WSBA, whose telephone number is 800-945-9722.

14. Names and telephone numbers of all state employees having knowledge about this incident:

See the attached Statement. State employees with knowledge are associated with the WSBA.

The WSBA's number is 800-945-9722.

15. Names and telephone numbers of all individuals not already identified in #13 and #14 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

See the attached Statement.

16. Describe how the state of Washington caused your injuries or damages (If your injuries or damages were not caused by the State, do not use this form. You must file your claim against the correct entity). Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

See the attached Statement.

17. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom? Please attach a copy of the report or contact information.

See the attached Statement.

18. Names, addresses and telephone numbers of treating medical providers. Submit copies of all medical reports and billings.

Ms. Ralph is seeking counseling.

19. Please attach documents which support the allegations of the claim.

20. I claim damages from the state of Washington in the sum of \$ See statement.

This Claim form must be signed by one of the following (check appropriate box).

- ☐ Claimant
- ☐ Person holding a written power of attorney from the Claimant
- ☐ Attorney in fact for the Claimant
- ☒ Attorney admitted to practice in Washington State on the Claimant's behalf
- ☐ Court-approved guardian or guardian ad litem on behalf of the Claimant

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signature of Claimant

Isaac Ruiz

Signature of Representative

Isaac Ruiz

Print Name of Representative

Date and place (residential address, city and county)

Keller Rohrback LLP
1201 Third Ave., Suite 3200
Seattle, WA 98101

Date and place (residential address, city and county)

35237

Bar Number (if applicable)

KELLER ROHRBACK L.L.P.

PLAINTIFF LITIGATION GROUP

ISAAC RUIZ
(206) 428-0565
IRUIZ@KELLERROHRBACK.COM

STATEMENT

Countless women endure unwanted sexual attention in the workplace. Despite legal protections intended to prevent this, women have good reason to question whether reporting the behavior will hurt them even more. Many women question whether the employer will conduct a full and fair investigation; whether the employer will impose meaningful discipline; whether the victim will be labeled a liar; whether a campaign of retaliation against the victim will ensue; what it will be like to look their colleagues in the face if, after having the courage to make the report, the employer looks the other way or lets the offender get away with it; and, to make matters even worse, what if the victim loses her job after reporting the behavior.

Men who abuse their power rarely do it alone. Often, abuses are enabled by those to whom they are supposed to be accountable. Recent news articles show the pervasiveness of this problem. Change often happens only after decades of women being hurt and only after the organization is forced to respond due to public disclosure. It shouldn't have to work this way.

Kara Ralph felt extremely reluctant to report the misconduct of a Governor-Elect (now a Governor) of the Washington State Bar Association (WSBA). But she eventually consented to the report being made. A respected outside investigator contracted by the WSBA found Ms. Ralph's report credible, offering a perfect opportunity for the Board of Governors to discipline one of its own and send a message to all Governors—and the legal community—that a new era was upon us and that such behavior would not be tolerated. The Board of Governors completely failed to seize this opportunity. It considered the matter in a secret executive session; apparently took no disciplinary action; and in fact, elevated the offending Governor to the position of Treasurer.

As things stand, Ms. Ralph is worse off for the report having been made. Her job requires Ms. Ralph to interact frequently with the Governors on matters including travel, and so there is no avoiding the people who she believes failed to

act and who behaved as if they were taking the word of the offending Governor over her word and over the analysis in the independent investigative report.

Ms. Ralph has suffered the emotional toll that accompanies experiences like hers. It's difficult to see how the Board's handling of the case does anything but dissuade other women from reporting inappropriate workplace behavior. Ms. Ralph brings this claim not only because she has been harmed but because the claim presents an opportunity for the WSBA to make a change for the better.

The Washington State Tort Claim Form Packet requires Ms. Ralph to state an amount of damages. The truth is that it is impossible to put a dollar figure on this experience, and Ms. Ralph is extremely reluctant to state any number. She is aware that inclusion of any meaningful damages figure could be used to attempt to discredit Ms. Ralph or to claim that she is motivated by money. Nothing could be further from the truth.

Also, the damage to Ms. Ralph depends in large part on whether the WSBA responds by changing its policies and procedures to ensure that the Board of Governors takes complaints more seriously and holds its members accountable. Ms. Ralph believes that the WSBA Board of Governors should hire a respected EEO consultant to independently investigate its processes and recommend changes. Unfortunately, the Washington State Tort Claim Form Packet requires that Ms. Ralph state a dollar figure. She therefore states damages in the amount of \$150,000 as a number that reflects the harm she has experienced and will likely continue to experience. Ms. Ralph hopes this number will cause the WSBA to pay attention to this claim and do whatever it can to both correct what has occurred and ensure it doesn't happen to another employee.

* * *

Ms. Ralph began working for the WSBA in July 2016 as Events & Sponsorship Specialist, a position in which she remains. Her responsibilities have included coordinating events for the Board of Governors, arranging the lodging and food, and attending events to provide Governors with support. Dan'L Wayne Bridges had just been elected to serve as a Governor but was not yet sworn in. That month, Ms. Ralph and Mr. Bridges were among a group who attended the Board of Governors retreat and meeting held at Marcus Whitman Hotel in Walla Walla. It was a work trip for both.

After dinner one night, Ms. Ralph was sitting alone at a table at the hotel. She planned to order wine to take to her room. Her hope was to have a glass of wine on each of the three nights planned for the trip.

Mr. Bridges approached and told Ms. Ralph he was waiting for his friends to smoke a cigar with them. He asked to move to the bar for a drink while he waited. Although Ms. Ralph didn't want to, she assumed that he would leave quickly once his friends arrived. Later—though not immediately—the friends passed by, but Mr. Bridges didn't join them. He said that he would rather talk to Ms. Ralph. A long conversation occurred, over beer, during which they delved into personal subjects like marriage, divorce, and children.

Things took a turn when Mr. Bridges shared that although he was married, he did not believe in being monogamous. This raised immediate concern with Ms. Ralph, who in the setting of a hotel bar over beer took Mr. Bridges' remark as an obvious indication Mr. Bridges had sex on his mind. Mr. Bridges' sexual attention was unwanted. Ms. Ralph—who was a new employee—felt uncomfortable having been placed in a position in which she'd have to rebuff advances from a Governor-Elect.

Ms. Ralph tried to give Mr. Bridges reasons to stop the pursuit. Hoping to dissuade him, she said, truthfully, that after her divorce she dated women. Mr. Bridges did not accept the message and asked what kinds of things Ms. Ralph did with women.

Ms. Ralph wanted the conversation to end but was scared that if she got up Mr. Bridges would follow her. Ms. Ralph felt she had little choice but to stay and hope Mr. Bridges would give up and leave. Ms. Ralph suggested Mr. Bridges go join his friends who were also at the hotel, but he insisted on staying.

There came a time when Ms. Ralph decided to leave the bar. She walked to the elevator, but Mr. Bridges followed and got into the elevator with her. Ms. Ralph and Mr. Bridges had rooms on different floors. When the elevator arrived on a floor that Ms. Ralph believed was Mr. Bridges' floor, Mr. Bridges failed to exit and said he would like to go to Ms. Ralph's room with her. One last time, Ms. Ralph tried to be polite: "No, I have to get up early." She sent every signal she could to make it clear she was not interested in a sexual relationship.

The thought of being alone with a man, whom she had just met, and who had been drinking and who was giving every reason to believe that he wanted to have sex with her—in a hotel hallway by herself away from home—scared Ms. Ralph.

When the elevator arrived on Ms. Ralph's floor, she pushed the button she believed went to Mr. Bridges' floor. On her way out of the elevator, Ms. Ralph blocked the door and yelled, "If you get off this elevator we're going to have a problem." Ms. Ralph immediately recognized the possible fallout from yelling at a governor-elect and, to mitigate that fallout, gave Mr. Bridges a quick hug. Fortunately, Mr. Bridges was dissuaded from getting off the elevator.

As a Governor-Elect interacting with an employee of the WSBA, Mr. Bridges' behavior was inappropriate and harmful.

As a new employee with the WSBA—a job that Ms. Ralph was happy to have and hopeful to keep—Ms. Ralph was understandably concerned about reporting the event to WSBA management. On one hand, Ms. Ralph felt that Mr. Bridges should not get away with what he did. On the other hand, she did not know whether a complaint would be taken seriously or whether reporting Mr. Bridges' behavior would hurt her ability to succeed in this job. Ms. Ralph also felt embarrassed about her actions in attempting to dissuade Mr. Bridges, like saying she had dated women. Ms. Ralph knew that Mr. Bridges held a powerful office within the WSBA. And she learned from online research about a case in which Mr. Bridges had spoken in a manner that Ms. Ralph felt was belittling about a woman who had been raped. In short, Ms. Ralph was confronting the Catch-22 faced by many women. For the time being, Ms. Ralph decided not to make a report to WSBA management.

Earlier this year, another Governor ("Governor 1") asked Ms. Ralph about her perceptions of the governors generally. Ms. Ralph obliged and went down a mental list of governors expressing her experiences. When she got to Mr. Bridges, she repulsed and said Mr. Bridges was not very ethical, that he said to an employee—namely, her—that he was not monogamous, and that he had tried to go to her hotel room at a work event. Ms. Ralph became emotional when she described what happened.

To his credit, Governor 1 expressed support for Ms. Ralph and thanked her for sharing the information. Governor 1 also informed another Governor ("Governor 2"), who was attending the same conference. The next day both Governor 1 and Governor 2 approached Ms. Ralph and said they, correctly, planned to report the incident involving Mr. Bridges. Governor 2—who had given a talk on ethics for lawyers—stated that the conduct was completely unacceptable, and that Ms. Ralph had done nothing wrong.

The incident was reported. The WSBA informed Ms. Ralph that an investigation would be conducted by an outside firm.

WSBA retained attorney Jillian Barron of Sebris Busto James (425-450-0111) to perform the investigation. Ms. Barron is a well-respected and experienced employment lawyer with broad experience conducting workplace investigations, including investigations of complaints involving unwanted personal and sexual attention. Ms. Barron interviewed Ms. Ralph, Mr. Bridges, Ms. Ralph's supervisor at the WSBA, the WSBA General Counsel at the time, Governor 1, and two other Governors.

Ms. Barron found no evidence of motive for Ms. Ralph to make up the events she described. Ms. Barron found "it seems unlikely that she would have forgotten or misinterpreted Mr. Bridges' physical actions of getting and staying on the elevator past his floor or what he said when he did that." Ms. Barron found that "Mr. Bridges more likely than not did as Ms. Ralph says—accompanying her on the elevator, riding to her floor, and indicating he might go to her room—before she made it clear there would be problems if he got off the elevator with her."

Ms. Barron's report is dated July 16, 2018. Upon information and belief, the report was delivered to the general counsel of the WSBA on or about that date. It was not provided to Ms. Ralph yet, however.

Ms. Ralph learned that the report would be read to the Board of Governors during the Board of Governors meeting scheduled to occur on July 27 to 28 in Vancouver, Washington. In the days before that meeting, the report was finally provided to Ms. Ralph. Although she was not present, Ms. Ralph believes the report was read during executive session on the morning of July 27 with Mr. Bridges in attendance. Later that day—not having heard what action the Board of took, if any—Ms. Ralph asked the general counsel for an update. The general counsel claimed to be unable to say what occurred.

The next day, the Board of Governors elected Mr. Bridges to serve as an officer of the Board—namely, treasurer.

To Ms. Ralph's knowledge, the Board took no action to discipline Mr. Bridges. On August 24, 2018, Governor No. 2, in his capacity as President of the WSBA, wrote Ms. Ralph a letter. Although the letter purported to express concern for Ms. Ralph, in effect it states that Mr. Bridges would face no accountability and no consequences. He would "soon undergo additional training on harassment and other EEO issues,"—but this was the same training that all

governors take on a periodic basis, not a measure designed to address Mr. Bridges' clearly inappropriate behavior.

The August 24, 2018, letter purported to rely on the fact that Ms. Barron's report could not "definitively establish the facts through independent sources." Were this to be the standard for imposing accountability and discipline in sexual harassment and discrimination cases, however, the vast number of violations (which occur opportunistically outside the eyes of third parties) would escape redress. Despite the investigative report's analysis, and without speaking directly with Ms. Ralph, the Board erred on the side of believing one of its own, and not the woman employee.

The Board's failure to hold its own member accountable is part of a systemic problem that discourages women employees from reporting violations and, as a result, enables sexual harassment to continue.